

February 20, 2001

**TO:** Applicant

**FROM:** John Lettelleir, AICP, Director of Planning

**SUBJECT:** Results of the City Council Meeting, February 19, 2001

**TABLED TO THE CITY COUNCIL MEETING ON MARCH 20, 2001.**

**Concept Plan:** The Woods on Panther Creek  
**Applicant(s):** Stewart Armstrong and Binary Inv., Inc.

**DESCRIPTION:**

146 Single-Family-5 lots, 24 Single-Family-4 lots, and three open space lots on 60.0± acres on the north side of Panther Creek Parkway (C.R. 23), 1,350± feet west of future Hillcrest Road. Zoned Agricultural. Requested zoning is Planned Development-Patio Home/Single-Family-5. Neighborhood #9. Tabled 11/1/00, 11/14/00, and 12/27/00.

**APPROVED:** \_\_\_\_\_ **DENIED:** \_\_\_\_\_ **TABLED:** 3-2 \_\_\_\_\_

Council Members Nichols and Osuna voted in opposition because of heir desire to hear the case.

**RECOMMENDATION:**

Tabled to the City Council meeting on March 20, 2001 in conjunction with Zoning Case Z2000-59.

DM/sg

cc: Stewart Armstrong 210-822-4882  
Karen Porter 214-638-0447  
Frank Jaromin  
Donnie Mayfield  
Mack Borchardt

January 10, 2001

**TO:** Mayor and City Council

**FROM:** John Lettelleir, AICP, Director of Planning

**SUBJECT:** Results of the Planning & Zoning Meeting January 9, 2001

**The following item is scheduled for the February 6, 2001 City Council Meeting**

**Concept Plan:** The Woods on Panther Creek  
**Applicant(s):** Stewart Armstrong and Binary Inv., Inc.

**DESCRIPTION:**

146 Single-Family-5 lots, 24 Single-Family-4 lots, and three open space lots on 60.0± acres on the north side of Panther Creek Parkway (C.R. 23), 1,350± feet west of future Hillcrest Road. Zoned Agricultural. Requested zoning is Planned Development-Patio Home/Single-Family-5. Neighborhood #9. Tabled 11/1/00, 11/14/00, and 12/27/00.

**APPROVED:** 4-2 **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_

Commissioners Caplan and Siefert voted in opposition as stated in the follow-up memo for Zoning Case Z2000-59.

**RECOMMENDATION:**

Staff recommends approval subject to:

1. City Council approval of Zoning Case Z2000-59.
2. Improvement of Panther Creek Parkway and/or other area thoroughfares to City standards to provide two points of access to the property.
3. City Council and City Engineer approval of a waiver to the requirement for alleys.
4. City Engineer approval of a flood study prior to development.

DM/sg

cc: Stewart Armstrong 210-822-4882  
Karen Porter 214-638-0447  
Frank Jaromin  
Donnie Mayfield  
Mack Borchardt

**Agenda No.: 8B****Concept Plan:** The Woods on Panther Creek**Applicant(s):** Stewart Armstrong and Binary Inv., Inc.**Description:**

146 Single-Family-5 lots, 24 Single-Family-4 lots, and three open space lots on 60.0± acres on the north side of Panther Creek Parkway (C.R. 23), 1,350± feet west of future Hillcrest Road. Zoned Agricultural. Requested zoning is Planned Development-Patio Home/Single-Family-5. Neighborhood #9. Tabled 11/1/00, 11/14/00, and 12/27/00.

**Remarks:**

This item was tabled at the December 27, 2000, Planning & Zoning Commission meeting to allow the applicant to lower the density of an associated zoning case, Z2000-58 (The Creeks on Hillcrest). This item must be removed from the table.

The concept plan shows 146 Single-Family-5 lots, 24 Single-Family-4 lots, and three open space lots to be developed to the planned development standards requested with Zoning Case Z2000-59. Approval of the concept plan is subject to City Council approval of Zoning Case Z2000-59.

Access

Two points of access will be provided to the property from Panther Creek Parkway. The development of this property will require that area thoroughfares be improved to City standards to provide two points of access to the property. Streets are also stubbed to adjacent properties to provide circulation between this property and future residential developments.

Screening and Landscaping

Lots backing and siding to Panther Creek Parkway will be screened by berms and landscaping in 25 feet of additional right-of-way dedicated for screening and landscaping purposes.

Alley Waiver

The Subdivision Ordinance requires alleys to be provided along the rear of all lots, unless the City Council waives the requirement for alleys by determining that utilities and access are adequately provided to the lots. Alleys are not provided to serve all of the lots. It is premature to waive the requirement for alleys, because grading and drainage plans will not be reviewed by the City until the final plat is

submitted. Should adequate provision be made for utilities and access to the lots and the lots be designed without lot-to-lot drainage, staff will recommend that the requirement for alleys be waived.

### Temporary Overlength Street

The subdivision ordinance states that streets shall not exceed 1,200 feet in length. The easternmost street extending from Panther Creek Parkway exceeds the maximum street length by 600 feet. The City Council, after recommendation by the Planning and Zoning Commission, may authorize a variance to the subdivision ordinance provided that the Council finds:

1. That there are special circumstances or conditions affecting the land involved or other constraints such that the strict application of the provisions of the subdivision ordinance would deprive the applicant of the reasonable use of his or her land.

The flood plain presents a difficulty in development of the property. Construction of streets to span the flood plain could partially destroy existing vegetation and topography. The applicant is minimizing flood plain reclamation and preserving the floodplain as open space. The overlength street is temporary. As the property to the east develops and connects to the street stubbed to the property, the overlength street will be eliminated.

2. That the variance or waiver is necessary for the preservation and enjoyment of a substantial property right of the applicant, and that the granting of the variance or waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area.

Due to the presence of the flood plain, several portions of the overlength street are single-loaded. A total of 39 lots are served by this street, but two points of access are provided to the lots. Due to the temporary nature of the overlength street, staff does not feel that the variance would be detrimental to the public health, safety or welfare or injurious to other property in the area.

3. That the granting of the variance or waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of the subdivision ordinance.

A street is stubbed to the property to the east. In no way does the overlength street prevent the orderly subdivision of adjacent property.

Due to the design constraints presented by the flood plain and the temporary nature of the overlength street, staff supports the variance for a temporary overlength street.

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**RECOMMENDAtion:**

Staff recommends approval subject to:

1. City Council approval of Zoning Case Z2000-59.
2. Improvement of Panther Creek Parkway and/or other area thoroughfares to City standards to provide two points of access to the property.
3. City Council and City Engineer approval of a waiver to the requirement for alleys.